# Table of contents

## Summary

................................................................. 5

## Introduction

................................................................. 7

**Rozen NogueLLOU**

**David Renders**

I. Why undertake a research project on Uber? ...................... 7

II. What research methodology was used? .............................. 8
   A. The legal framework of taxi services ............................ 8
   B. The arrival of Uber and its legal consequences ............... 9

III. What are the results of this research? ............................ 10
   A. The starting point: a monopoly ................................. 11
   B. How Uber developed its business model? ........................ 12
   C. What have Uber’s effects been on the industry? .......... 13
   D. What kind of regulation has been put in place
      following Uber’s emergence? ..................................... 14
   E. Has the labour law issue related to the nature
      of Uber’s service been disputed? ............................... 16
   F. How has the compensation issue been treated? ............ 16

IV. Who are the authors of the study? ................................. 17

## Uber and taxis: The situation in the city of Buenos Aires

................................................................. 19

**Martina L. Rojo**

I. Introduction .................................................................. 19

II. Taxis: legal framework in Buenos Aires ............................ 21

III. Differences between remises and taxis ............................ 23

IV. The arrival of Uber in Buenos Aires: Uber vs. taxis .......... 25

V. Legality of Uber in Buenos Aires: Private transport or public
   service? ........................................................................ 27
VI. Other stakeholders in the market: Cabify and Easy Taxi ......... 31
VII. Competition law issues between Uber and taxis .................. 32
VIII. Conclusion .............................................................................. 37

Australia .......................................................................................... 39

JOHN TARRANT

Introduction .......................................................................................... 39
I. New South Wales ............................................................................. 40
   A. Taxis: legal framework ........................................................…… 40
   B. The arrival of Uber and its legal consequences ..................... 41
II. Victoria ............................................................................................ 42
   A. Taxis: legal framework ........................................................…… 42
   B. The arrival of Uber and its legal consequences ..................... 44
III. Queensland ..................................................................................... 46
   A. Taxis: legal framework ........................................................…… 46
   B. The arrival of Uber and its legal consequences ..................... 48
IV. South Australia ................................................................................ 49
   A. Taxis: legal framework ........................................................…… 49
   B. The arrival of Uber and its legal consequences ..................... 51
V. Western Australia .............................................................................. 52
   A. Taxis: legal framework ........................................................…… 52
   B. The arrival of Uber and its legal consequences ..................... 53
VI. Tasmania ......................................................................................... 54
   A. Taxis: legal framework ........................................................…… 54
   B. The arrival of Uber and its legal consequences ..................... 56
VII. Australian Capital Territory .......................................................... 56
   A. Taxis: legal framework ........................................................…… 56
   B. The arrival of Uber and its legal consequences ..................... 58
VIII. Northern Territory ........................................................................ 59
   A. Taxis: legal framework ........................................................…… 59
   B. The arrival of Uber and its legal consequences ..................... 60

Conclusion ........................................................................................... 61
Uber and taxis in Brussels........................................................................................................................................ 63
DAVID RENDERS
DELPHINE DE VALKENEER

I. The Brussels normative framework on taxi services................... 63
   A. The regionalization of the competence.................................. 64
   B. The Brussels normative framework....................................... 65
      1. Taxi services................................................................. 65
      2. Car rental with chauffeur services................................. 70
      3. Call centers.................................................................. 72

II. The coming of Uber in Brussels and the legal consequences
    thereof.................................................................................. 72
   A. The service offered by Uber in Brussels............................. 72
   B. The legal repercussions of Uber’s irruption in Brussels........ 75
      1. UberPop: a carpooling service?..................................... 75
      2. UberPop: a taxi service?............................................... 76
      3. Uber platform: a company operating taxi services?......... 78

Uber and taxis: the Brazilian case.................................................. 81
RAFAEL VALIM
GUSTAVO MARINHO

I. Introduction.................................................................................. 81
II. Taxis: legal framework............................................................... 82
   A. Legal nature of taxi services in Brazil.................................. 82
   B. Law-making power to regulate individual transport services.... 83
   C. Requirements for obtaining a taxi driver medallion.
      Comparative analysis with the requirements for becoming
      an Uber driver..................................................................... 84
   D. Taxi drivers’ obligations and prohibitions – Comparative
      analysis with Uber drivers................................................. 86
   E. Main rights of taxi drivers – Comparative analysis
      with Uber drivers............................................................. 88

III. The arrival of Uber and its legal consequences........................ 89

IV. Conclusion................................................................................... 92

Table of contents
Regulation of the Uber transportation platform by local governments in Canada

Urwana Coiquaud
Mouhamadou Sanni Yaya
Lucie Morissette

Introduction ................................................................................................. 93

I. The taxi industry in Canada prior to Uber ........................................ 94
   A. Regulating the taxi industry in Canada: a provincial and municipal jurisdiction ........................................ 94
   B. Legislative framework regulating the taxi industry in Canada ................................................................ 97
      1. The notion of ‘taxi’ according to different jurisdictions ........ 97
      2. Conditions for exercising the occupation of taxi driver ........ 98
   C. Passenger transport by taxi: a regulated monopoly ................. 99

II. The arrival of Uber and its aftermath before the courts
    and in terms of (new) regulations ...................................................... 101
   A. The Courts’ response following the arrival of Uber .................... 101
      1. Bringing the issue of Uber’s arrival before the courts to block it ................................................................. 101
      2. The status of Uber drivers: an issue that has been absent from legal debates ............................................... 105
      3. Regulatory innovations in the wake of Uber’s arrival .......... 106

Conclusion .............................................................................................. 109

Challenges and innovation in the taxi industry and its regulation caused by app-based ride-hailing services

Wang Jing

Introduction .............................................................................................. 111

I. Regulation of taxis in China: before the emergence of app-based ride-hailing vehicles ........................................ 112
   A. What is a taxi? ............................................................................ 112
   B. How to be a taxi? ...................................................................... 113
      1. The entity responsible for the management of taxis .......... 113
      2. Requirements on taxi drivers .................................................. 113
   C. Rights and obligations of taxis .................................................. 114
      1. Privileges of taxis .................................................................. 114
      2. Obligations of taxis ................................................................. 115
   D. Franchise of taxi ....................................................................... 115
Table of contents

1. Taxi license: franchise .............................................................. 115
2. Term and renewal of franchise of taxi ................................... 115
3. Transferring of franchise of taxi and its price ...................... 116
4. Regulation of taxi fares ............................................................ 116
E. Other Private Transportation ways .............................................. 116

II. Deregulation of the taxi industry in China: influence of app-based ride-hailing vehicles .......................................................... 117
A. Blooming and development of app-based ride-hailing vehicles .......................................................... 117
B. App-based ride-hailing vehicles fail to jump out from legal framework of taxis .......................................................... 119
C. Legalization of app-based ride-hailing vehicles in China ...... 120
   1. Acceptance of app-based ride-hailing vehicles by the central government and strict regulation ................... 120
   2. Regulation of app-based ride-hailing vehicles by local rules for implementation .......................................... 121
      a. Regulation of quantity ........................................................ 121
      b. Price regulation ................................................................... 122
      c. Restrictions on household registration ..................................... 122
   3. Deregulation of traditional cruising taxis ............................... 123

III. Government regulation impacted by new industry ................. 123
A. Pushing forward regulation of app-based ride-hailing vehicles and reform of cruising taxis together ................... 124
B. Platform governance: regulation reform for new technology, new economy and new industry ..................... 125

Colombia: Uber and taxicabs, a comparative law study .......... 127
Hugo Alejandro Sánchez Hernández

Introduction ................................................................................................ 127

I. Taxis in Colombia: legal framework .......................................... 128
   A. Colombia: a regulatory State ....................................................... 128
   B. Taxi legal framework in Colombia ............................................... 130

II. Arrival of Uber in Colombia and its legal consequences .......... 134
   A. Arrival of Uber in the Colombian transportation market and its legal consequences ..................................... 134
   B. Reluctance to deregulate ............................................................. 136

Conclusions ................................................................................................ 138
Bibliographical references .......................................................................... 139
I. Legal, social and political setting ................................................................. 141

II. The taxis: Legal framework before Uber ........................................... 142
A. Definition of taxi driving .............................................................. 143
B. Taxi license .................................................................................... 144
C. Personal requirements for a taxi license ................................... 145
D. Personal requirements of the taxi driver .................................... 145
E. Equipment required in taxi vehicles ........................................... 146
F. Rates and pricing .......................................................................... 146
G. Taxi booking offices ...................................................................... 147
H. Taxi ranks ...................................................................................... 147
I. Employment conditions for taxi drivers ...................................... 148
J. Criminal provisions ....................................................................... 149

III. The arrival of Uber and its legal consequences ................................. 150
A. The arrival of Uber (2014) ............................................................ 150
B. The test case on Uber and the Act on Taxi driving (2016) and ensuing legal proceedings .................................................... 151
C. Political reaction – a new Taxi Act (2017) ................................... 152
D. The withdrawal of Uber in Denmark and the return (2018)? .................................................................. 152
E. The new Taxi Act (in force 1 January 2018) ................................ 153
1. Definition of taxi driving ......................................................... 153
2. License for commercial transport of persons (former taxi license) ................................................................. 153
3. Personal requirements............................................................. 154
4. Equipment requirements for taxi vehicles ............................. 155
5. Rates and pricing ................................................................. 156
6. Transport offices (former taxi booking offices) ...................... 156
7. Taxi ranks ................................................................................. 158
8. Employment conditions for taxi drivers .................................. 158
9. Criminal provisions .................................................................. 159

IV. Conclusion ........................................................................................... 160
Uber in London: A battle between public and private regulation

ENGUERRAND MARIQUE

YSEULT MARIQUE

I. Introduction .......................................................... 163

II. The legal framework: taxis and PH in London ............... 165
    A. A two-tier system: the devil is in the detail................. 166
        1. London Mayor ................................................. 166
        2. Taxis (also known as ‘hackney carriages’ or ‘black cabs’)...... 167
        3. PH (also known as ‘minicabs’) ........................................ 169
    B. Licensing: discretion to assess the fitness test .............. 172
    C. Regulatory powers ............................................... 175
    D. Enforcement ..................................................... 176
    E. Taxis and PH: two different worlds? ........................ 177

III. Uber and its legal challenges ............................................. 179
    A. The regulatory status of Uber in London .................... 180
        1. Licensing process: hotline ...................................... 180
        2. Compliance ..................................................... 181
        3. Licence renewal ................................................ 182
        4. Deceptive data collection ...................................... 183
    B. The regulatory status of Uber drivers ......................... 184
        1. Prohibition of taximeters ...................................... 184
        2. Prohibition of priority lane use .............................. 185
        3. Pre-booking and taxi ranks .................................... 186
        4. English language ................................................ 187
        5. Insurance ......................................................... 188
    C. Contractual relationship between Uber and its drivers: contractor or worker? ........................................ 189

IV. Uber outside London ...................................................... 192

V. Pending responses to digital innovation in England ......... 195

VI. Flexible regulation as a response to changing mobility services .... 196

VII. Appendix .............................................................. 200

Uber and taxi services in Finland ........................................... 203

MIKAEL KOILLINEN

I. The legal framework on taxi services in Finland ............... 203
I. Uber and taxis in France: Regulation or Deregulation?........... 217  
ROZEN NOGUHELLO

I. Legal framework of taxis in France .................................. 218  
A. Legal definition of taxis................................................. 218  
B. Which vehicles can operate?......................................... 219  
C. The conditions to be a taxi driver................................ 219  
D. The license ................................................................. 220  
E. The scope of the monopoly ......................................... 220  

II. Legal consequences of the arrival of Uber in France ......... 221  
A. How Uber developed its business in France ................. 221  
B. How Uber changed the regulation of this industry ......... 223  
   1. The taxi license ..................................................... 223  
   2. A more rigorous exam to become a private hire driver  
      (‘VTC driver’) ...................................................... 224  
   3. Where are we now? ............................................... 224  
C. Remaining questions ............................................... 226  

In conclusion ............................................................... 228
Germany

Dirk Uwer

Alla Drössler

I. Introductory observations ................................................................. 231

II. General overview of the main rules of the PBefG ....................... 232
   A. No passenger transportation for consideration without a license ......................................................................................... 233
   B. No license for types of transportation services which are not listed in the numerus clausus of the PBefG (Prinzip des geschlossenen Kreises) ................................................................. 233
   C. The operator has to assume the full responsibility for the business to be carried out in his own name and for his own account (sec. 3, para. 2, PBefG). ................................................................. 234

III. Specific regulations on taxi and private hire car services .............. 234
   A. Taxi services .................................................................................. 235
      1. License requirements and approval procedure for taxi services ................................................................................................. 235
      2. Rights and obligations ..................................................................... 236
   B. Private hire car services .................................................................. 238
      1. License requirements and general obligations for private hire car services ................................................................. 238
      2. Specific obligations regarding private hire car services ............ 238

IV. Violation of the requirements and obligations under the PBefG and the BOKraft ................................................................. 241
   A. Sanctions under public law ................................................................ 241
   B. Infringements of competition law .................................................... 242

V. Market entry of Uber in Germany ...................................................... 243
   A. Jurisprudence .................................................................................. 243
   B. Current preliminary ruling procedure before the European Court of Justice (ECJ) in the Matter of UberBlack ................................................................. 245
   C. Changes in the transportation sector ................................................. 246

VI. General reflections on the approach towards new technology-based business models ................................................................. 248

The Taxi Market in Greece .................................................................. 251

Eugénie Prevedourou

I. The taxis: legal framework ................................................................. 251

II. The arrival of Uber and its legal consequences .................................. 256
Uber in the Italian non-scheduled public transport market: an uninvited guest

SImONE TOrrICELLI

I. Introduction to the Italian constitutional framework 259
II. The distribution of legislative and administrative powers in the area of non-scheduled transport 260
III. The legal framework of non-scheduled public transport and the distinction between taxis and private hire 262
IV. Access to the market 263
V. Non-scheduled public transport and public service 265
VI. The entry of Uber into the transport market and the arising litigation 268
VII. Uber and the relationship with activity requiring authorization...
A. UberBlack 270
B. UberPop 272
VIII. The search for an interpretative framework of reference 273
IX. A hypothesis. Legality v. functionality 274
X. Rigidity v. flexibility, paternalism v. freedom to choose 276

Uber and Business Regulations in Japan

KAZUHIRO TSUCHIDA
AKINARI WATANABE

Introduction 279
I. Legal framework for taxi services 279
A. Regulation of taxi service start-ups 279
B. Regulation of drivers 280
C. Regulation of fares 281
II. Regulation of Uber in Japan 281
A. The position of Uber under the Road Transportation Act 281
B. Ride-share services in Japan 281
C. Uber’s attempts to introduce its system 282
1. Kyushu 282
2. City of Nanto 282
3. Kobe 283
**Table of contents**

### Uber and taxis: a comparative law study in Lithuania

**Tomas Davulis**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>293</td>
</tr>
<tr>
<td>I. Taxis: legal framework</td>
<td>293</td>
</tr>
<tr>
<td>II. The arrival of Uber and its legal consequences</td>
<td>300</td>
</tr>
<tr>
<td>Conclusions</td>
<td>307</td>
</tr>
</tbody>
</table>

### Uber and taxis: The Netherlands

**Arjan Kleinhout**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. The taxis: legal framework</td>
<td>309</td>
</tr>
<tr>
<td>A. General</td>
<td>309</td>
</tr>
<tr>
<td>B. Scope of taxi regulation</td>
<td>310</td>
</tr>
<tr>
<td>C. Categories of taxi transport</td>
<td>311</td>
</tr>
<tr>
<td>D. Requirements for drivers and vehicles</td>
<td>312</td>
</tr>
<tr>
<td>E. Regulated tariffs</td>
<td>313</td>
</tr>
<tr>
<td>F. Specific advantages or obligations</td>
<td>314</td>
</tr>
<tr>
<td>II. The arrival of Uber and its legal consequences</td>
<td>314</td>
</tr>
<tr>
<td>A. General</td>
<td>314</td>
</tr>
<tr>
<td>B. Intermediary, not a taxi company</td>
<td>315</td>
</tr>
<tr>
<td>C. Licensed products</td>
<td>315</td>
</tr>
<tr>
<td>D. UberPop</td>
<td>316</td>
</tr>
<tr>
<td>E. Changes to regulatory framework</td>
<td>319</td>
</tr>
<tr>
<td>F. No cases on unfair competition, consumer protection or employment cases</td>
<td>320</td>
</tr>
</tbody>
</table>
G. Other impacts of Uber ................................................................. 321

III. Conclusion: Uber changed the Dutch legal framework, but no overhaul ................................................................. 321

Uber and taxis in Poland ........................................................................ 323
DoRota Dąbek
JOANNA Lemańska
JOANNA CzlowIEKOWska

I. Taxis: the legal framework ................................................................. 323
II. The arrival of Uber and its legal consequences ........................ 328
III. Uber and taxis – further perspectives ........................................ 333

Uber and taxis: Portuguese Legal Perspective ........................................ 339
BERNARDO DINIZ DE AYALA
MARIANA BARREIRA
TOMÁS CABRAL D’ANUNCIAÇÃO

I. The legal framework applicable to taxis in Portugal ................. 339
   A. Introduction and legal definition of taxi .................................. 339
   B. Licensing and regulatory regime for the provision of taxi services ................................................................. 340
      1. License to provide taxi services ........................................... 340
      2. Quantitative restrictions on the number of taxis ............... 341
      3. Price regulation ................................................................. 342
      4. Regulation of vehicle features ............................................. 344
      5. Special inspection regime and insurance ......................... 345
      6. The professional qualification regime of the taxi driver .... 345
      7. Special advantages of the legal framework for taxis ........ 346
   II. The arrival of Uber and its legal consequences ...................... 346
      A. Introduction ........................................................................ 346
      B. Current legislation applicable to car rental and taxi activities ................................................................. 347
      C. Case law ............................................................................. 348
      D. Legislative proposals for the regulation of Uber ................. 350
         1. Licenses ........................................................................... 352
         2. Fees and pricing ............................................................... 352
         3. Refusal of service and evaluation ...................................... 353
         4. Applicable labor rules ...................................................... 353
      E. Conclusion .......................................................................... 354
Taxi Regulation in Spain under the Pressure of the Sharing Economy

Gabriel Doménech-Pascual
Alba Soriano-Arnanz

I. Taxis and private hire vehicles .......................................................... 357
II. Relevant regulatory authorities .......................................................... 358
III. Forms of regulation and its traditional justification ........................ 359
   A. Safety and quality standards ........................................................ 359
   B. Restrictions on the number of licenses and vehicles ................. 360
   C. Restrictions on the size of firms .................................................. 362
   D. Restrictions on the geographic scope of firms’ activities .......... 363
   E. Fare regulation.............................................................................. 364

IV. The emergence of the sharing economy and its impact on taxi regulation ............................................................................................ 365
   A. The impact of the sharing economy on the efficiency of taxi regulation ............................................................ 365
   B. Regulatory capture........................................................................ 366
   C. The UberPop case ......................................................................... 368
   D. Temporary liberalization of the PHV market segment .............. 369
   E. Preservation of the status quo ................................................... 370
      1. Local and regional regulations ............................................. 370
      2. Central Government regulations ......................................... 371
   F. The role of the National Commission on Markets and Competition ............................................................... 373

V. Conclusion ........................................................................................... 374
VI. References ........................................................................................... 375

Uber and taxis: a comparative law study – Swiss report

Valérie Défago Gaudin

I. Taxis: legal framework ................................................................. 377
   A. General considerations ............................................................ 377
   B. Federal law ........................................................................... 377
   C. Cantonal and municipal law .................................................... 379
      1. Geneva ................................................................. 379
      2. Lausanne, Basel and Zurich ........................................... 383
II. The arrival of Uber and its legal consequences ......................... 383
The regulation of transportation network companies in the United States

KATRINA M. WYMAN

Introduction ........................................................................................................ 393

I. The taxi industry before Uber ................................................................. 395

II. The arrival of Uber and its regulation .............................................. 399
   A. TNCs in New York City ................................................................. 400
   B. TNCs elsewhere in the US ............................................................ 402

III. The implications of Uber for the taxi industry ............................ 405

Conclusion ...................................................................................................... 408

Table of contents .......................................................................................... 409